

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JACQUES M. MOORE,

Plaintiff,

vs.

Civ. No. 97-1341 JC/WWD

CONNECTICUT GENERAL LIFE INSURANCE
COMPANY and CHEVRON CORPORATION
LONG-TERM DISABILITY PLAN ORGANIZATION,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Defendants' Motion to Compel Discovery and Initial Disclosures [docket no. 21] served on Plaintiff by mail on May 12, 1998, and filed with the Court on June 9, 1998. Plaintiff has failed to serve a response to the motion. Pursuant to D.N.M. LR-Civ. 7.3(4), the failure to file a timely response "constitutes consent that briefing is complete." Defendants seek Plaintiff's damage calculations as contemplated in Fed. R. Civ. P. 26(a)(1)(C). Defendants also seek full and complete answers to interrogatories numbered 7 and 8 of Connecticut General's first set of interrogatories. Finally, Defendants seek an order requiring that Plaintiff verify his answers to interrogatories and that Defendants be awarded their costs and attorney fees incurred in bringing the instant motion. Having reviewed the motion together with the discovery in question, I find that the motion should be granted in part and denied in part.

WHEREFORE,

IT IS ORDERED that the Motion to Compel be, and it hereby is, denied with respect to interrogatories numbered 7 and 8 of Defendant Connecticut General's first set of interrogatories to the Plaintiff.

IT IS FURTHER ORDERED that on or before June 26, 1998, Plaintiff shall furnish to Defendants a calculation as to his damages as required by Fed. R. Civ. P. 26(a)(1)(C); provided that Defendants have furnished to Plaintiff copies of the insurance plan in question on or before June 22, 1998.

IT IS FURTHER ORDERED that on or before June 26, 1998, Plaintiff shall serve upon Defendants properly verified responses as previously made to all of the interrogatories in Defendant Connecticut General's first set of interrogatories to Plaintiff.

FINALLY, IT IS ORDERED that Defendants' request for costs and attorney fees be, and it hereby is, denied.


UNITED STATES MAGISTRATE JUDGE